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A2

20 Court Appearances  
since Oct. 7, 2010

## MUNICIPAL COURT OF PHILADELPHIA COUNTY

## DOCKET



Docket Number: MC-51-CR-0043165-2010

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

Page 2 of 7

v.

Jo Ann Fonzone

## CALENDAR EVENTS

<u>Case Calendar Event</u> <u>Type</u>	<u>Schedule</u> <u>Start Date</u>	<u>Start</u> <u>Time</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u> <u>Status</u>
Preliminary Arraignment	10/07/2010	9:25 am	B08	Arraignment Court Magistrate James O'Brien	Scheduled
Arraignment Status	11/09/2010	10:30 am	404	Judge Marsha H. Neifield	Scheduled
Trial	12/22/2010	8:00 am	503	Judge Teresa Carr Deni	Scheduled
Status	01/14/2011	9:00 am	406	Judge Kenneth J. Powell Jr.	Scheduled
Trial	03/21/2011	9:00 am	406	Judge James M. DeLeon	Continued
Trial	04/29/2011	9:00 am	406	Judge David C. Shuter	Scheduled
Bench Warrant Hearing	06/16/2011	12:00 pm	405		Scheduled
Trial	07/18/2011	10:00 am	503	Judge Wendy L. Pew	Cancelled
Trial	07/18/2011	10:00 am	503	Judge Wendy L. Pew	Scheduled
Status	08/31/2011	8:30 am	406	Senior Judge Felice Rowley Stack	Continued
Status	09/21/2011	8:30 am	406	Judge Marsha H. Neifield	Scheduled
Bench Warrant Hearing	09/26/2011	12:00 pm	888		Scheduled
Bench Warrant Hearing	09/28/2011	8:30 am	406	Judge Marsha H. Neifield	Scheduled
Status	10/19/2011	8:30 am	406	Judge Marsha H. Neifield	Continued
Status	11/23/2011	8:30 am	406		Scheduled

## CONFINEMENT INFORMATION

<u>Confinement</u> <u>Known As Of</u>	<u>Confinement</u> <u>Type</u>	<u>Destination</u> <u>Location</u>	<u>Confinement</u> <u>Reason</u>	<u>Still in</u> <u>Custody</u>
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## DEFENDANT INFORMATION

Date Of Birth: 07/19/1958 City/State/Zip: Allentown, PA 18104

Alias Name

Fonzone, Joann  
Fonzone, Joanne  
Judy, McGrath

## CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Fonzone, Jo Ann

Darlene Bishop  
4929 Wissahickon Ave  
Philadelphia, Pa 19144

---

To whom it may concern,

My name is Darlene Bishop I am a associate of Joann Fonozone. On September 26 2011 I was binging release and Ms. Fonozone and a few other female were on they way to count, expect Ms Fonozone this letter is letting you know she had to stay behind.

Sincerely Yours,

*Darlene Bishop*

Darlene Bishop



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**TRANS-BRIDGE TOURS**  
5925 TILGHMAN STREET, SUITE 40  
ALLENTOWN, PA 18104

SEE REVERSE SIDE OF YELLOW  
COPY FOR THE TICKET REFUND AND  
TOUR CANCELLATION POLICIES

TOUR NUMBER	TOUR NAME	TOUR DATE	AMOUNT REC	BALANCE DUE
9120	DIVISION HOME GAME 1 SEAT 24	10/06/10 THU	159.00	.00
FAVE FROM: ALLENTOWN GREEN HILLS, 5925 TILGHMAN ST				
DEPART: AFTER GAME				
PASSENGER: FONZONE				
PRICE: 158.00	0120:			
R/U 158.00				
SOLD ON: 9/29/10 BY: GHO				

ATTN: 2105 pm

\*\*\*\*\*  
072571-20  
\*\*\*\*\*

NO SMOKING,  
FOOD OR BEVERAGES

DRIVER AND TOUR DIRECTOR GRATUITY ARE NOT INCLUDED

A 0377

**BIEBER, CARL R. TOURWAYS,**

RECEIPT & ITINERARY \*\* NOT GOOD FOR TRAVEL \*\*

FROM: PHILADELPHIA PA DEPART: Thu 07Oct10 CONF#: 6642032401  
TO: ALLENTOWN PA JOANN FONZONE ONE WAY/ADULT

*** CITY ***	ARRIVAL	LAYOVER	DEPARTURE	SCHEDULE
PHILADELPHIA PA			12:30p 07Oct10	BT 0304
ALLENTOWN PA	02:40p 07Oct10			BT 0304

RE PAID: \$13.00  
K  
SURANCE: \$0.00  
CESS BAG: \$0.00  
CESS VAL: \$0.00

CASH  
CA/CA  
DOC #:  
ROAD REWARD  
127 00 29 00204687 6

01715 PHILADELPHIA PA  
07Oct10 10:55a 1933  
PHLT006  
\*\* VOID IF DETACHED \*\*

PHILLIES DIVISION SERIES HOME GAME 1  
OCTOBER 6 (WED)

FONZONE (1)  
SEAT 24

G

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Commonwealth of Pennsylvania  
Court of Common Pleas  
County of Philadelphia  
1st Judicial District



INFORMATION

Commonwealth of Pennsylvania  
v.  
Jo Ann Fonzone

Docket No: CP-51-CR-0008156-2013

*Summary  
offense  
not misdemeanor*

The Attorney for the Commonwealth of Philadelphia County by this information charges that in the County of Philadelphia, Pennsylvania, Jo Ann Fonzone:

COUNT 1: Disorderly Conduct Engage In Fighting - (S)

Offense Date: 10/06/2010 18 § 5503 §§ A1

With intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, engaged in fighting or threatening, or in violence or tumultuous behavior and the intent of the actor was to cause substantial harm or serious inconvenience, or the actor persisted in disorderly conduct after reasonable warning or request to desist

Citation of Statute  
and Section:

1 18 § 5503 §§ A1 (S)

*There are no facts, Russell v US,  
this is misdemeanor  
d.c. not summary*

All of which is against the Act of Assembly and the peace and dignity of the Commonwealth.

Philadelphia County District Attorney  
R Seth Williams

CP-51-CR-0008156-2013 Comm. v. Fonzone, Jo Ann  
Information Filed



7037924381



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PARS

Page 1 of 1



COMMONWEALTH OF PENNSYLVANIA  
PHILADELPHIA COUNTY

DC#: 10-03-062707

Dckt/MC#: MC51-CR-0043169-2010

SID: 38180657

Date: OCT 07, 2010

**Criminal Complaint***Misdemeanor*

COMMONWEALTH OF PENNSYLVANIA VS. JO ANN FONZONE

ALIAS:

I, the undersigned, do hereby state under oath or affirmation:

(1) My name is: BRANDON HARRIS District Attorney's Representative

(2) I accuse JO ANN FONZONE

who lives at 2242 Tildhman ST APT: 1 C Allentown PA 18104-

with violating the Penal Laws of Pennsylvania on or about Wednesday, October 06, 2010  
in the County of Philadelphia.

(3) The acts committed by the accused were:

ON OCTOBER 6, 2010 AT 1 CITIZENS BANK WAY, PHILADELPHIA, PA THE DEFENDANT DID WITH  
INTENT TO CAUSE A PUBLIC INCONVENIENCE ENGAGED IN FIGHTING OR THREATENING,  
OBSCENE LANGUAGE OR TUMULTUOUS BEHAVIOR AND THE DEFENDANT DID ATTEMPT TO  
AVOID A LAWFUL ARREST

In violation of Pennsylvania Penal Laws, section(s) and title(s)

## CHARGES:

Code Description

CC5104	RESISTING ARREST
CC5503A1	DISORDERLY CONDUCT-FIGHTING

Defendant has been fingerprinted

Grade Counts

M2	001
M3	001

All of which is against the peace and dignity of the Commonwealth of Pennsylvania

(4) I ask that a warrant of arrest or a summons be issued and that the accused be required to answer the charges I have made. This complaint has been reviewed and approved by EBONY WORTHAM

A.D.A.

(5) I swear to or affirm the within complaint upon my knowledge, information and belief, and sign it on 10/07/2010 before Philadelphia Municipal Court Judge/Arraignment Court Magistrate.

Signature of Arraignment Court Magistrate

Signature of Affiant

On 10/07/2010, the above named affiant swore or affirmed that the facts set forth in the complaint were true and correct to the best of his/her knowledge, information and belief, and signed it in my presence. I believe the within affiant to be a responsible person and that there is probable cause for the issuance of process.

Issuing Authority

Seal



Exh-5

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IN THE MUNICIPAL COURT OF PHILADELPHIA  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CRIMINAL TRIAL DIVISION

- - -

COMMONWEALTH

-vs-

JOANN FONZONE

:  
:  
:  
:  
:

MC-51-CR-0043169-2010

- - -

Motion to act as pro se

- - -

Criminal Justice Center

Courtroom 503

Philadelphia, Pennsylvania

June 13, 2012

- - -

BEFORE: THE HONORABLE FELICE STACK, J.

- - -

THOMAS J. CAMPBELL, RPR  
OFFICIAL COURT REPORTER

1 THE COURT OFFICER: Your Honor, this  
2 is Case No. 4.

3 Raise your right hand.

4 - - -

5 JOANN FONZONE, after having been  
6 first duly sworn, testified as follows:

7 - - -

8 THE COURT OFFICER: State your name  
9 for the record

10 THE DEFENDANT: Joann Fonzone,  
11 F-O-N-Z-O-N-E.

12 THE COURT: For the record, Miss  
13 Fonzone had Mr. Douglas Earl representing her  
14 this morning, but she has told the Court and  
15 told him that she doesn't want him  
16 representing her anymore, so I'm going to  
17 allow him to be withdrawn as counsel.

18 Now the issue we want to address is,  
19 you would like to represent yourself. Is that  
20 correct?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: In order for you to do  
23 that, we have to have a colloquy on the  
24 record, meaning, ask you a lot of questions to  
25 make sure you're a person who can represent

1           said that to you.

2                       Now it must be tried. If they don't  
3           present their case at the next listing, it has  
4           to be discharged. That's what I said this  
5           morning. You didn't hear that because you  
6           were too excited about the fact that it wasn't  
7           going on today. But that's what I said.  
8           That's where we're at now.

9                       THE DEFENDANT: I understand that.

10                      THE COURT: Do you still want to  
11           represent yourself at the next listing?

12                      THE DEFENDANT: Yes. And I would  
13           like to add this for the record: I'm not now,  
14           nor have I ever been, incompetent. That all  
15           resulted because the first private attorney I  
16           hired didn't show up, about a year ago,  
17           July 18 to be exact, and what I told the judge  
18           when I was called -- when I was waiting for  
19           the attorney that I had just hired, I guess  
20           they didn't believe me, and then they made me  
21           go have a psych eval.

22                      I had a private psych eval. I was  
23           diagnosed posttraumatic stress disorder. That  
24           does not make a person incompetent. I  
25           suffered serious injuries on October 6, 2010.



1 And then I was dragged through mental health  
2 court. I was libeled and slandered. The  
3 facts were misrepresented to the presiding  
4 judge, most recently Judge Neifield, who I  
5 distinctly recall, and I do have the  
6 transcripts, this can be verified, last year  
7 and more recently, January 25, Judge Neifield  
8 told the then attorney, Frumer, that if he  
9 would talk to someone in the district  
10 attorney's office, and I do have her name, I  
11 believe it's Shae Roads, that the charges  
12 would be withdrawn the next time.

13 Since all he did was continue the  
14 case, and I had to subsequently get -- hire  
15 another attorney, hoping to move this case to  
16 resolution. Then he was also told the same  
17 thing. The next court date was April 25 and  
18 then May 23. I mean, I seem to have to keep  
19 coming back and back for continuance after  
20 continuance. I have, you know, ample  
21 documented evidence. The charge was  
22 disorderly conduct. It looks like a parking  
23 ticket, and yet I seem to be dragged through  
24 the system as -- and I was a victim, injured  
25 victim --

1 MS. KOTCHIAN: Ma'am, we're not --

2 THE DEFENDANT: -- criminal --

3 MS. KOTCHIAN: -- I ask -- I have to  
4 object, Your Honor. We're not talking about  
5 the merits of the case.

6 THE COURT: We're not.

7 Court treatment to be provided -- a  
8 status report, 5/23. Who represented you at  
9 that?

10 MS. KOTCHIAN: Those were pro se  
11 motions filed by the defendant.

12 THE COURT: Let's move ahead on the  
13 issue. She wants to represent herself at the  
14 next listing. I will make a determination  
15 today if it seems you're competent to  
16 represent yourself. I don't mean competent  
17 mentally. I just mean legally competent.

18 THE DEFENDANT: I'm an attorney, by  
19 the way.

20 THE COURT: Oh, you're an attorney?

21 THE DEFENDANT: Yes.

22 THE COURT: You didn't mention that.  
23 You never mentioned that at all.

24 MS. KOTCHIAN: Your Honor, she's  
25 not --

1 THE DEFENDANT: When someone says  
2 you're incompetent, you have to hire -- I went  
3 to law school in California.

4 THE COURT: You have a law degree?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Do you have a copy?

7 THE DEFENDANT: Not with me. I  
8 think six years ago I <sup>obtained</sup> passed the bar, the last <sup>Continuing Education credits</sup>  
9 time I was out there.

10 MS. KOTCHIAN: Are you licensed to  
11 practice in the Commonwealth of Pennsylvania?

12 THE DEFENDANT: That's in the  
13 process.

14 THE COURT: But not -- right now  
15 you're not licensed to practice in  
16 Pennsylvania?

17 THE DEFENDANT: Well, I don't know.  
18 I have taken cases to the court of appeal<sup>I waived in 2000,</sup>s.  
19 Unless they're admitted, you can't file  
20 anything. I'm waiting for my -- depending  
21 on -- this is, you know, sort of holding me  
22 up.

23 THE COURT: Do you have a license in  
24 California to practice?

25 THE DEFENDANT: Yes.

1 properly, then it's my job to speak --

2 Q Actually --

3 THE COURT: That's what we call  
4 court decorum. We can't allow people yelling  
5 out.

6 THE DEFENDANT: I'm professional,  
7 but if I hire a lawyer that's not properly  
8 representing me, I'd rather speak for myself.

9 BY MS. KOTCHIAN:

10 Q What I'm saying is that -- I'm telling you,  
11 it's a rule of the court, you can't speak unless  
12 Judge Stack allows you to speak. Do you think  
13 that's the kind of rule you can comply with?

14 A Yes, and I have for many years, 30-some years.

15 THE COURT: Do you have anything  
16 else?

17 MS. KOTCHIAN: No.

18 THE COURT: I think she can  
19 represent herself, if everything is true. I  
20 will take you at your word. At the next  
21 listing you don't need a lawyer. You'll be  
22 able to represent yourself. It's pro se. You  
23 don't have to be licensed to practice in

24 Pennsylvania if you are representing yourself.

25

THE DEFENDANT: OK - I have a license - confidential  
Attorney for my  
protector.



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For



**DISTRICT ATTORNEY'S OFFICE**  
3 SOUTH PENN SQUARE  
PHILADELPHIA, PENNSYLVANIA 19107  
**SOUTH DIVISION**  
UNIT PHONE: (215) 686-5710 UNIT FAX: (215) 563-0143

**R. SETH WILLIAMS**  
District Attorney

December 21, 2012

Ms. JoAnn Fonzone  
2242 W. Tilghman St. Apt. C1  
Allentown, PA 18104-4392

**Re: Commonwealth v. JoAnn Fonzone**  
**MC-51-CR-0043169-2010**  
**Next Listed: 12/28/12 CJC 503**

Dear Ms. Fonzone,

Enclosed please find copies of documents related to the Internal Affairs investigation of your complaint. Please provide these documents to your attorney. Pursuant to Judge Neifield's order, you must appear in court with an attorney.

Please have your attorney contact me with any questions or concerns. Thank you.

Sincerely,

Elizabeth Kotchian  
Assistant District Attorney

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Commonwealth of Pennsylvania  
Court of Common Pleas  
County of: \_\_\_\_\_  
\_\_\_\_\_ Judicial District



## ENTRY OF APPEARANCE

RECEIVED

SEP 04 2012

Docket No: MC51-CR-0043169  
2010

COMMONWEALTH OF PENNSYLVANIA  
ACTIVE CRIMINAL RECORDS  
CRIMINAL MOTION COURT

Lo Ann Fouzone aka Judy McBrath

## To the Clerk of Courts:

Please enter my appearance for the defendant in the above-captioned case.

John J. Esquire  
Signature of Attorney for Defendant

6/13/12 - 8/22/12  
Date Case dismissed

Name and address of Attorney for Defendant:

Name:

Lo Ann Fouzone, Esquire

Supreme Court ID No:

~~263914~~ 263914 confidential status

Firm:

Law office of Lo Ann Fouzone

Address:

2242 Tilghman St

Allentown, PA 18104

Phone No:

484-294-6481

Fax No: (optional)

Email Address: (optional)

Check Applicable:

- ☒ Court Appointed  
☒ Privately Retained  
☐ Public Defender  
☐ Pro Bono Counsel

## [Philadelphia Use Only]

Common Pleas Court Trial Division, Criminal Section ☐

Common Pleas Court, Family Court Division ☐

Philadelphia Municipal Court, Criminal Division ☒



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## Award

Continued from B1

# Man gets \$1M for improper arrest

Kareem Alleyne was charged in 2012 in crash that killed officer.

By Chris Palmer  
STAFF WRITER

A Philadelphia jury awarded a German-town man more than \$1 million Wednesday after it agreed that he was improperly arrested and recklessly charged in a car-bike crash that killed a police officer in 2012.

Kareem Alleyne, 38, sat stunned as the verdict was announced, letting out a deep breath afterward and saying simply, "I'm in shock."

Alleyne, a former bank teller, was charged four years ago with vehicular homicide and involuntary manslaughter in the death of Officer Marc Brady, 35, in a collision outside the home of a woman with whom both men had relationships.

A judge dismissed the charges in 2014 for lack of evidence. Alleyne then sued three homicide investigators who probed the crash — Lt. Philip Riehl and Detectives James Pitts and George Pirrone — claiming their investigation was flawed because they were eager to implicate him and minimize blame on their deceased colleague.

Two of the officers — Riehl and Pirrone — denied those allegations in testimony during the eight-day trial. All three left the courtroom without commenting Wednesday afternoon.

See **AWARD** on B5



Kareem Alleyne had charges dismissed in 2014.



Officer Marc Brady was killed in the crash.

Their attorneys, Brock Atkins and Armando Brigandi of the city's Law Department, also declined to comment. James Funt, who represented Alleyne, said he was grateful for the outcome, which came four years after his client's arrest.

"I can't imagine how difficult this has been for Kareem," Funt said. "The jury gave him his good name back."

Funt and colleagues Lori Mach and Noah Cohen made clear during the trial that there was no argument that Alleyne had struck and killed Brady with his car on July 15, 2012, outside the East Mount Airy home of Romara Glenn, Alleyne's girlfriend at the time and the mother of six of Brady's children.

But the attorneys argued that investigators were too quick to conclude that Alleyne intentionally ran over Brady — and said the officers purposefully downplayed or overlooked Internal Affairs files detailing Brady's previous stalking and harassing of Alleyne, because those files could have suggested their colleague was at fault for the crash.

"Marc Brady was a man with nothing else to lose, spiraling out of control, and they knew it," Funt said during closing arguments Tuesday. "They knew Kareem Alleyne was an innocent, innocent man."

Alleyne has struggled to find steady employment since being charged, even after his acquittal in the criminal trial, his lawyers told the jury. An online search for his name yields scores of old news clips showing that he killed a police officer.

"His name means something to him," Funt said, adding that the pain is made worse because one of his sons, Kareem Jr., will have to live with it as well.

The officers who testified during trial and their attorneys sought to point out that information about Brady's past was included with the evidence they gave to the District Attorney's Office — and that prosecutors decided to move forward with charges anyway.

Riehl testified that he did not think Alleyne should have been charged, and that he told prosecutors as much at the time. Nothing, Riehl said, was done to minimize damning evidence against Brady, whom he described on the stand as "a ticking time bomb."

"Everything we did was pro-Alleyne," Riehl said.

The jury of nine women and three men evidently disagreed. Riehl, Pirrone, and Pitts were each found liable for malicious prosecution, and Riehl and Pirrone were found liable for false arrest.

Alleyne was awarded \$336,000 for harm to his reputation, \$330,000 for economic losses, \$318,750 for emotional and mental anguish, and \$45,500 for legal expenses.

The award is not unusual among lawsuits filed against Philadelphia police. Since 2008, at least six cases involving police-involved shootings have been settled in the city for \$1 million or more.

Still, Alleyne — who studied electrical circuitry books at times in the courtroom — said the verdict could help him begin to move forward.

"It's a start," he said. "It's definitely a start."

✉ cpalmer@phillynews.com ☎ 215-854-2817  
📧 @cs\_palmer

Staff writer Mark Fazlollah contributed to this article.



# In Pa., a misguided attempt to protect police

By Jonathan Blanks

**P**olice play a unique role in the community. They possess the awesome power to use violence against an individual to maintain public peace and safety.

How police use that power — and how some officers sometimes abuse it — is in the public interest to know. But the Pennsylvania legislature might make it harder to track incidents of potential abuse by officers and, in doing so, may undermine the public's trust in the police who serve it.

In November, the Pennsylvania House of Representatives overwhelmingly approved House Bill 1538, which would prevent government officials from releasing the names of officers under investigation for on-duty shootings or uses of force that do not result in criminal charges against the officers. The Senate version, S.B. 1061, adds criminal penalties against anyone who leaks such information to the press. Both of these bills are meant to further the "protection of law enforcement" by keeping involved officers anonymous.

Of course, officer safety is important. But there is scant evidence that specific police officers or their families — in Pennsylvania or elsewhere — have been targeted and harmed by criminals because they were named in use-of-force incidents. (While police officers have been the tragic victims of ambushes, including in Philadelphia, the indications are that officers are, as New York City Police Commissioner William Bratton said in 2014, "targeted for their uniform," not their actions.)

At best, these bills provide a remedy for something that has not been proven to be a problem. At worst, they protect officers with documented histories of violence and, ironically, give the majority of officers a bad rap.

Police officers are often justified in their use of force, deadly or otherwise. In some cases, officers may be commended for bravery for using force to keep communities safe in very dangerous situations. Except in extreme situations, it doesn't make sense to hide the names of officers who are doing their jobs responsibly and admirably. And it

is hard to imagine a situation that justifies shielding the minority of officers who cross the line from public scrutiny.

Internal and criminal investigations are by their nature kept from the public eye, and for good reason. But the community should know if its public servants are under investigation for inappropriate violence and who they are. If one officer out of a thousand does something bad, but no one can say who he is, all officers fall under suspicion because the so-called bad apple is indistinguishable from everyone else.

As I testified before the U.S. Commission on Civil Rights last year, the data we have about large metropolitan police departments suggests that officers prone to inappropriate violence make up a small percentage of a large police force. But many of those officers have faced multiple allegations of excessive force or other indicators of violent misconduct.

One officer in Denver had 40 complaints filed against him, nearly half of which accused him of using "excessive force, using profane language, and

threatening to arrest people for no reason," before he was removed from duty. Under the proposed Pennsylvania laws, an officer like the one in Colorado — who was also named in two excessive-force civil suits that cost the City of Denver more than \$1 million in settlements — could be protected from public scrutiny unless he is charged with a crime.

Current Pennsylvania law is bad enough as it is. Authorities already have the discretion to release or withhold the names of officers involved in use-of-force incidents. Without a timetable for release of officers' names, the process to get to the bottom of what happened can be a very lengthy one.

This is similar to the law in Virginia. In August 2013, John Geer was fatally shot by a Fairfax County, Va., police officer. Geer was unnamed at the time of the shooting, and it took authorities until January 2015 to name the officer responsible. That officer, Adam Torres, was fired in July 2015, was criminally charged for Geer's death one month later, and pleaded guilty to involuntary manslaughter in April.

All the officers at the scene of the shooting reported that Geer had his hands up when he was killed. Nevertheless, the county took 16 months to release Torres' name and even longer to fire him and finally secure a conviction. The legally sanctioned delay led at least one major media outlet to allege a police cover-up.

Law enforcement is a tough and demanding job. Officers should be held accountable for their actions not only to protect the community, but also so that most officers are not lumped in with the few who abuse their powers against the public.

H.B. 1538 and S.B. 1061 will not make police officers safer and will likely only put further stress on police-public relations. If the Pennsylvania legislature wants to make police safer, it should move in the opposite direction by making law enforcement more transparent and accountable to those it serves: the people of Pennsylvania.

Jonathan Blanks is the managing editor of PoliceMisconduct.net and a research associate at the Cato Institute's Project on Criminal Justice in Washington. ✉ JBlanks@cato.org

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12



From: .com <jo76erjo@aol.com>  
 To:  
 Subject: Fwd: incomplete information on your article  
 Date: Fri, Feb 1, 2019 1:48 pm

this Matt miller is very wrong about the incident which disabled me. Im trying to get him to correct or retract, difficult process, just like the crap in mcall by bribed reporter.

-----Original Message-----

From: .com <jo76erjo@aol.com>  
 To:  
 Sent: Thu, Jan 31, 2019 12:50 pm  
 Subject: Fwd: incomplete information on your article

-----Original Message-----

From: .com <jo76erjo@aol.com>  
 To: letters <letters@pennlive.com>; MattMiller <MattMiller@aol.com>  
 Sent: Thu, Jan 31, 2019 9:42 am  
 Subject: incomplete information on your article

To whom it may concern" I would like to provide facts to you for the purpose of having information which appears on your site pennlive.com corrected. I was a seriously injured crime victim on October 6, 2010 in Philadelphia at Citizens bank park and in fact was physically disabled by the injuries and cardiac conditions as a direct result of the aggravated assaults I survived. Because I was injured initially by a security guard (unknown to me that he was) at the time, then later by a police officer, law enforcement protected them rather than me the crime victim. The guard after, grabbing my right arm and shoulder then pushing me into a stadium seat whereupon I fell after my head hit the back of the seat, went to get the police, rather than medical help, I was falsely implicated for disorderly conduct I was told later because I was standing (like everyone else) in the stadium though I did nothing wrong or illegal. The two of them grabbed me from my seat and pushed me up the stairs, again hitting my head on the seat. I stood for 10-15 minutes in the concourse, when suddenly I was grabbed by the back of my arms, near elbow, and dragged across the concourse into a room and thrown onto a chair. While on the concourse, I was yelling what are you doing? Im just trying to watch the game thought I had a In the police room, after a sergeant took my playoff ticket from my bag (and didnt put it back into my bag), and my attorney ID, an officer sneered, "oh you're a lawyer" pushed me into the cell room and threw me against the wall, then left. I knew I was in serious danger for my life, so managed to call 911 for help. Unbeknownst to me, dispatch notified the police in the outside room. The same officer stormed back into the room threw me against the wall and screamed at me to give me my phone. (he must have thought I had a camera phone) and I did not then. I fell to the ground after he threw me against the wall, and he began to strike my chest with a nightstick repeatedly demanding the phone. finally, he got it and left the room. later, I was brought out to the larger room, crying, in pain and traumatized from the assault. From there I was taken to the police district. The officer in charge saw how I was beaten and bruised and had 2 other officers take me to the Jefferson emergency room. I have been treating with cardiologists and will be for the rest of my life. I had major spine surgery last year also, diagnosed with PTSD, pba, tinitus, post concussion syndrome, fibromalgia, chronic pain, migraines, right arm, and hand weakness, from the chest, head, neck trauma.

After being incompetently represented, I represented myself and got the case dismissed August 22, 2012 with prejudice which means that the criminal case is over and final. Any malicious vindictive proceedings by a disgruntled asst. prosecutor who violated my constitutional rights, the Brady rule by illegally withholding evidence and discovery from the Court, (there were 4 discovery violations), was unlawful.

FIVE STAR.  
★★★★★

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FIVE STAR.  
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FIVE STAR.  
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Ja



JOE OTERI 46/W/M EMPLOYEE OF PHILADELPHIA PHILLIES, SECURITY DEPARTMENT. ON 10/6/10 AT APPROXIMATELY 6:15PM, INSIDE CITIZENS BANK PARK ABOVE EMPLOYEE WAS SUMMONED TO SECTION 107 FOR AN UNRULY PATRON. UPON ARRIVAL THE DEFENDANT WAS TOLD TO SIT DOWN IN HER SIT, DEFENDANT WAS OBSTRUCTION OTHER PATRONS VIEW OF THE GAME. THE DEFENDANT WAS ASKED KINDLY NUMEROUS TIMES TO CONDUCT HERSELF AND CONTINUED TO BE UNRULY. ABOVE EMPLOYEE ASKED THE DEFENDANT TO COME OUT OF HER SECTION A BE BRIEFED ON PHILADELPHIA PHILLIES CONDUCT INSIDE THE STADIUM. THE DEFENDANT REFUSED, AND BEGAN CURSING AT THE PHILLIES EMPLOYEE. THE DEFENDANT STARTED SWINGING A PEOPLE AT WHICH TIME P/O ORTIZ 9681, PHILADELPHIA POLICE DEPARTMENT CAME OVER TO ASSIST. THE DEFENDANT REFUSED POLICE COMMANDS. A LARGE CROWD BEGAN TO GATHER. TO DEFUSE THE SITUATION POLICE TRANSPORTED THE DEFENDANT TO THE POLICE ROOM FOR PROCESSING.

P/O ORTIZ #9681 PR#259413, ASSIGNED 14<sup>TH</sup> DISTRICT. ON 10/06/10 P/O ORTIZ WAS WORKING A DETAIL AT #1 CITIZENS BANK PARK, NLDS PHILLIES GAME. AT APPROXIMATELY 6:15PM P/O ORTIZ RESPONDED SECTION 107 TO ASSIST PHILLIES SECURITY WITH AN UNRULY PATRON. UPON ARRIVAL P/O ORTIZ OBSERVED THE DEFENANT STANDING WITH HER BACK TOWARDS THE OFFICER. THE OFFICER WENT TO GIVE A VERBAL COMMAND, AT THAT TIME THE DEFENDANT SWUNG HER ARM BACK TOWARDS THE OFFICER, MISSING THE OFFICER. P/O ORTIZ SPOKE WITH PHILLIES SECURITY THEN ADVISED THE DEFENDANT SHE WAS BEING ARRESTED FOR DISORDERLY CONDUCT. WHILE BEING TRANSPORTED TO THE POLICE ROOM AND INSIDE THE POLICE ROOM THE DEFENDANT WAS KICKING HER LEGS, FLAILING HER ARMS, CURSING AT POLICE. THE DEFENDANT CONTINUED HER UNRULY CONDUCT INSIDE THE POLICE ROOM. THE DEFENDANT WAS CHARGED WITH DISORDERLY CONDUCT (22.01), AND REISTING ARREST, THEN TRANSPORTED TO THE 1<sup>ST</sup> POLICE DISTRICT FOR PROCESSING.

*P/O Ortiz #9681.*

JOE OTERI 46/W/M EMPLOYEE OF PHILADELPHIA PHILLIES, SECURITY DEPARTMENT. ON 10/6/10 AT APPROXIMATELY 6:15PM, INSIDE CITIZENS BANK PARK ABOVE EMPLOYEE WAS SUMMON TO SECTION 107 FOR AN UNRULY PATRON. UNPON ARRIVAL THE DEFENDANT WAS TOLD TO SIT DOWN IN HER SIT, DEFENDANT WAS OBSTRUCTION OTHER PATRONS VIEW OF THE GAME. THE DEFENDANT WAS ASKED KINDLY NUMEROUS TIMES TO CONDUCT HERSELF AND CONTINUED TO BE UNRULY. ABOVE EMPLOYEE ASKED THE DEFENDANT TO COME OUT OF HER SECTION A BE BRIEFED ON PHILADELPHIA PHILLIES CONDUCT INSIDE THE STADIUM. THE DEFENDANT REFUSED, AND BEGAN CURSING AT THE PHILLIES EMPLOYEE. THE DEFENDANT STARTED SWINGING A PEOPLE AT WHICH TIME P/O ORTIZ 9681, PHILADELPHIA POLICE DEPARTMENT CAME OVER TO ASSIST. THE DEFENDANT REFUSED POLICE COMMANDS. A LARGE CROWD BEGAN TO GATHER. TO DEFUSE THE SITUATION POLICE TRANSPORTED THE DEFENDANT TO THE POLICE ROOM FOR PROCESSING.

*wrong section  
I was  
not in  
107.*

*Joseph B. 10/6/10*



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★★★★★

FIVE STAR.  
★★★★★

12



# Pretrial Service Division Investigation Report

## Arraignment

Name JO ANN FONZONE				Arraignment Court Municipal, CJC Rm. B08		Arraign Date 10/07/2010 09:25
Arrest Date 10/06/10	CBN 1012237	PID 1097190	SID SID: 38180657	District 03rd Police District	Holding Facility PDU CCTV (750 Race St.)	

Defendant	District no.	Charge	Grade	Description
83176938	1003062707	39012	M2	RESISTING ARREST

## Defendant Information

Sex F	Race W	Birthdate 07/19/58	Age 52	Height 506	Weight 145	ID Number  Type
DEFENDANT: FONZONE, JO ANN CURRENT ADDRESS: 2242 Tildhman ST 1 C Allentown PA 18104-				Born ALLENTOWN PA USA		
LIVING WITH: RELATIONSHIP: <i>mother</i> <i>Glenisa Fonzone</i>				Primary Language English		
				Residence in Philadelphia (YY/MM) 17/00 <i>NO</i>		
Marital Status <i>Legally</i> Separated <i>Since 1993</i>		How Long (YY/MM) 17/00		Children 0	Support No	Amount Voluntary/Court-Ordered
Employment/Support  See Page 2				Military Service  Discharge  Education Unknown		

COMMENTS: No ID. Interview waived. Def was very hostile and uncooperative.

## Defendant

DEFENDANT: FONZONE, JO ANN  
CURRENT ADDRESS:  
2242 Tildhman ST 1 C  
Allentown PA 18104-

LIVING WITH:  
RELATIONSHIP:

## Community Ties

ADDRESS VERIFIED: N  
VERIFIED WITH:  
CONTACT PHONE:  
VERIFIED BY: -  
VERIFIED DATE:

Block	Guideline Category
2	ROR- Standard Conditions

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## MUNICIPAL COURT OF PHILADELPHIA COUNTY

## SECURE DOCKET

Docket Number: MC-51-CR-0043169-2010

## CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

Page 2 of 6

v.

Jo Ann Fonzone

## DEFENDANT INFORMATION

<u>Name</u>	Jo Ann Fonzone	<u>Hair Color</u>	Black	<u>Eye Color</u>	Hazel
<u>Date of Birth</u>	07/19/1958	<u>Address</u>			
<u>SSN</u>	183-46-1688	<u>Address Type Home</u>			
<u>SID</u>	250-01-97-4	2242 Tildhman ST			
		APT 1 C			
		Allentown, PA 18104			
<u>Drivers License No:</u>	18192803				
<u>Drivers License State:</u>	PA				
<u>Fingerprint Status:</u>	Unknown				

<u>Alias Name</u>	<u>Alias SID</u>	<u>Alias SSN</u>
Fonzone, Joann	25001974	<del>183-46-1688</del>
Fonzone, Joanne	25001974	<del>183-46-1688</del>
Judy, McGrath	25001974	183-46-1688

## CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Prosecution	Commonwealth of Pennsylvania
Arresting Agency Officer	BEE, CHRISTOPH M
Arresting Agency Officer	LANDIS, JOHN C
Affiant	ORTIZ, LESINETTE
Defendant	Fonzone, Jo Ann
Complainant	Oteri, Joe

## BAIL INFORMATION

Fonzone, Jo Ann

Nebbia Status: None

<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	<u>Bail Posting Status</u>	<u>Posting Date</u>
<u>Bail Non-Monetary Condition/Condition Text</u>						
Set	10/07/2010	ROR		\$0.00	Posted	10/07/2010

## CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	1		18 § 5104 §§	Resist Arrest/Other Law Enforce	10/06/2010	N7055893
2	2		18 § 5503 §§	Disorderly Conduct Engage In Fighting	10/06/2010	N7055893

## Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade Section</u>



# MUNICIPAL COURT OF PHILADELPHIA COUNTY

## DOCKET



Docket Number: MC-51-CR-0043169-2010  
**CRIMINAL DOCKET**  
 Court Case

Page 1 of 9

Commonwealth of Pennsylvania

v.

Jo Ann Fonzone

### CASE INFORMATION

Cross Court Docket Nos: PARS-MC-51-CR-0043169-2010

Judge Assigned:

OTN: N7055893

Initial Issuing Authority:

Arresting Agency: Philadelphia Pd

Case Local Number Type(s)

District Control Number

PSI Microfilm Number

Date Filed: 10/07/2010

Initiation Date: 10/06/2010

Lower Court Docket No: MC-51-CR-0043169-2010

Final Issuing Authority:

Arresting Officer: ORTIZ, LESINETTE

Case Local Number(s)

1003062707

111656mh

### STATUS INFORMATION

Arrest Date: 10/06/2010

Case Status: Active

#### Status Date

09/28/2011

06/16/2011

06/16/2011

11/09/2010

10/07/2010

10/07/2010

#### Processing Status

Warrant Lifted

Awaiting Trial

Warrant Lifted

Awaiting Trial

Awaiting Status Listing

Awaiting Preliminary Hearing

Complaint Date: 10/07/2010

After 6/09/11, Officer  
 Ortiz was on docket  
 as arresting officer.

Prior to 6/09/11, Officer  
 Bee was on docket  
 as arresting officer.

In mid June 2011 (6/16/11)  
 I filed a Right to Know Request  
 with the Police Dept at 8th & Race  
 (Officer Baldini)

Printed: 05/10/2012

Reflected on these docket sheets. Neither the courts of the Unified Judicial  
 of Pennsylvania Courts assume any liability for inaccurate or delayed data.  
 be used in place of a criminal history background check which can only be  
 s not comply with the provisions of the Criminal History Record Information  
 set forth in 18 Pa.C.S. Section 9183.

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MP

***DEFENDER ASSOCIATION  
OF PHILADELPHIA***

---

1441 Sansom Street  
Philadelphia, PA 19102  
(215) 568-3190

ELLEN T. GREENLEE  
**DEFENDER**

January 5, 2011

Ms. Jo Ann Fonzone  
2242 Tildhman Street  
Apt. 1C  
Allentown, PA 18104

**Re: MC-51-CR-0043169-2010; NCD: January 14, 2011, Room 406**

Dear Ms. Fonzone:

This will acknowledge receipt of your letter dated October 22, 2010. Enclosed please find the additional discovery you requested. By law, you are not entitled to your own copy of these materials. They are being provided as a courtesy by the Defender Association.

Very truly yours,



**DENNIS T. KELLY**  
Deputy Defender

DTK/mm

Enclosure

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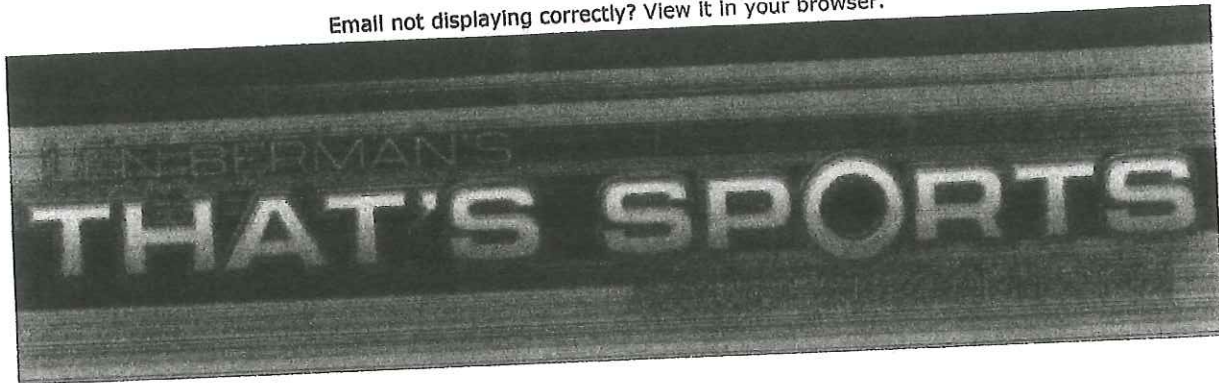
NO



Len's Top 5

Subj: **Len's Top 5**  
Date: 10/7/2010 10:05:37 A.M. Eastern Daylight Time  
From: [len@lenbermansports.com](mailto:len@lenbermansports.com)  
To: [Jo76erjo@aol.com](mailto:Jo76erjo@aol.com)

Email not displaying correctly? View it in your browser.



Happy Thursday everyone, here's my Top 5 for October 7, 2010 from Len Berman at [www.ThatsSports.com](http://www.ThatsSports.com)

### 1. Quick Hits

- Roy Halladay of the Phillies pitches a no-hitter in his playoff debut against Cincinnati.
- Texas and the Yankees also draw first blood in the baseball playoffs. More of the same for school kids. The Yankees/Twins game ended well after midnight.
- Today's playoff schedule. All games TBS and Eastern Time.

Game 2, Texas at Tampa Bay. 2:30pm.

Game 2, Yankees at Twins. 6:00pm.

Game 1, Braves at Giants. 9:30pm.

- By the way, the NHL season begins today with 5 games, one of them in Helsinki, Finland.

### 2. No No

I got an email yesterday morning from subscriber Jo Ann in Philadelphia. She said she was going to the game last night and she would let me know how fantastic Roy Halladay's perfect game was. Sorry, Jo Ann. He walked one batter. You were

*Intent to  
ENJOY  
GAME*

Thursday, November 04, 2010 AOL: Jo76erjo

way off base. No perfect game. Just your run of the mill no hitter.

Somebody asked me the other day if I still get excited about sports after being in the business for 40 years. I answered yes because you never know when something great or dramatic is going to happen. It happened last night. The second no hitter in post season play, two days shy of the 54th anniversary of Don Larsen's perfect game.

I wonder what's going to happen today?

### **3. The Pitts**

The Pittsburgh Pirates this season stretched their North American record to 18 consecutive losing seasons. But here's a ray of light. Their Double-A team, the Altoona Curve, won their league championship. Matt Walbeck won manager of the year for the 4th time in 6 years. So, how was he rewarded? With a pink slip. The word is he wasn't following the Pirates format for developing players. Yeah, that's been a winning formula, hasn't it?

By the way, a Pittsburgh fan named Gary Mercer bet \$20 dollars on every game for the Pirates to lose. His return on investment this season was 9.98.

### **4. Everybody's Doing It**

In response to yesterday's item, where a former bicycle racer says you can't win the Tour de France without doping, subscriber Torin R., a cycling enthusiast, sent me a thoughtful email. "What they can do – doped or not – is simply incredible. As the drug testing gets better it will certainly lead to more positive tests. But it won't stop the cheating. As testing gets better, the drugs get more sophisticated and harder to detect. So maybe they should alter the prize. Make the trophies in the shapes of prescription bottles, IV bags, or mortars and pestles."

Another possibility is to let them do whatever they want to their bodies. Why should we care? That's pretty much what Italy's anti-doping prosecutor suggested this week. And he immediately caught all sorts of flak. But think about it. If these guys wanna be dopes, why should millions of dollars be spent trying to catch them being stupid?

FIVE STAR.  
★★★★★

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02



COURT ADMINISTRATION  
CIVIL OPERATIONS SECTION  
455 WEST HAMILTON STREET  
ALLENTOWN, PA 18101-1614  
(610) 782-3657 FAX NUMBER (610) 820-3093

July 20, 2011

Jo Ann Fonzone  
vs.  
Chase Manhattan Bank

File No. 2010-C-5208

**NOTICE OF ARGUMENT**

Oral argument originally scheduled for August 16, 2011 is rescheduled to **September 27, 2011 at 1:30 PM** in Courtroom 5A before the Honorable William E. Ford. The matter to be argued on this date will be Defendants' Preliminary Objections to 2nd amended complaint.

If argument is no longer required or the motion is moot, please notify the Court, as well as filing the proper paperwork with the Clerk of Courts-Civil Division, with a copy to Court Administration.

If you receive this notice, but no longer represent the above client, your withdrawal has not been marked on the docket. Please contact the Clerk's office for instructions. Further, if you have withdrawn as counsel, please forward this notice to your client or their new counsel.

If you have any questions regarding the above information, please contact the Civil Operations Office at (610) 782-3657.

Civil Operations Officer

This ID theft / Injury  
case

was DISMISSED

EX PARTE in Lehigh County

September 27, 2011

When I could not appear

for Argument as I  
was illegally locked up  
on a bench warrant for 6  
days from Sept 23 - Sept 28.  
3 day Pa Rule 159(a)(5)

IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT

JO ANN FONZONE AKA JUDY MC GRATH, PETITIONER

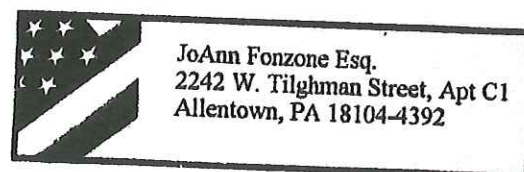
VS.

CHASE MANHATTAN BANK, MTV NETWORKS, INC. TIME WARNER, INC. ET AL,  
RESPONDENTS

Petition for Allowance of Appeal from the Order of the Superior Court of Pennsylvania entered March 9, 2012 at No. 3230 EDA 2011, 2945 EDA 2011, 97-PF-61, Affirming the dismissal order of Lehigh County Court of Common Pleas No. 5208- CØ2010, 97-PF-61 entered September 27, 2011, November 1, 2011.

PETITION FOR ALLOWANCE OF APPEAL

Jo Ann Fonzone, Esquire, aka Judy McGrath  
For the Petitioner





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★★★★★

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★★★★★

PR



AUSTIN TX 73301-0059

In reply refer to: 0686100000  
Aug. 19, 2021 LTR 2645C K0  
203-09-9959 201912 30  
Input Op: 0509906065 00006253  
BODC: WI

CARL W ALLIO DECD  
JOANN FONZONE ESQUIRE  
631 PRIMROSE LN  
ALLENTOWN PA 18104-4683

006920

Taxpayer identification number: 203-09-9959  
Tax periods: Dec. 31, 2019

Form: 1040

Dear Taxpayer:

Thank you for your inquiry of Apr. 22, 2021.

We're working on your account. However, we need an additional 60 days to send you a complete response on what action we are taking on your account. We don't need any further information from you right now.

If you have questions, you can call 1-800-829-0922.

If you prefer, you can write to the address at the top of the first page of this letter.

You can get any of the forms or publications mentioned in this letter by calling 800-TAX-FORM (800-829-3676) or visiting our website at [www.irs.gov/formspubs](http://www.irs.gov/formspubs).

When you write, include a copy of this letter, and provide your telephone number and the hours we can reach you in the spaces below.

Telephone number ( ) \_\_\_\_\_ Hours \_\_\_\_\_

Keep a copy of this letter for your records.

Thank you for your cooperation.

0686100000

Aug. 19, 2021 LTR 2645C K0

203-09-9959 201912 30

Input Op: 0509906065 00006254

CARL W ALLIO DECD  
JOANN FONZONE ESQUIRE  
631 PRIMROSE LN  
ALLENTOWN PA 18104-4683

Sincerely yours,



Linda I. Aponte  
Operations Mgr., Accts Management 2



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Page 1

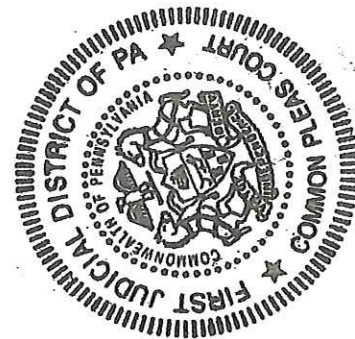
Please wait...  
8-NOV-2011 08:20

Lock&Track  
Admission History Report for  
FONZONE, JOANN

Name: FONZONE, JOANN	In Date: 09/23/2011 05:27
Intake:	FID:
PID: 1097190	Class: MINIMUM
Custody:	Inci: 0
Alerts: 0	Sex: FEMALE
SID: 25001974	
HvR: BENCH	
Seps: 0	
Race: WHITE	

Facility:	Block:	Cell:	Bed:		
Open Cases: 0	Total Bail: 0	Holding Case:			
INTAKE #	HOUSED	FACILITY	RELEASED	REASON	FACILITY
1154344	09/23/2011	RCF	09/28/2011	AT-COURT	RCF
Release Comment: CJC					

Press <GoBack>:



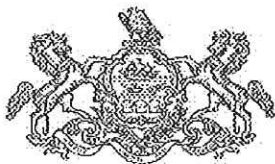
## MUNICIPAL COURT OF PHILADELPHIA COUNTY

## DOCKET

Docket Number: MC-51-CR-0043169-2010

## CRIMINAL DOCKET

Court Case



Commonwealth of Pennsylvania

Page 2 of 13

v.

Jo Ann Fonzone

## CALENDAR EVENTS

<u>Case Calendar</u> <u>Event Type</u>	<u>Schedule</u> <u>Start Date</u>	<u>Start</u> <u>Time</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u> <u>Status</u>
Preliminary Arraignment	10/07/2010	9:25 am	B08	Arraignment Court Magistrate James O'Brien	Scheduled
Arraignment Status	11/09/2010	10:30 am	404	Judge Marsha H. Neifield	Scheduled
Trial	12/22/2010	8:00 am	503	Judge Teresa Carr Deni	Scheduled
Status	01/14/2011	9:00 am	406	Judge Kenneth J. Powell Jr.	Scheduled
Trial	03/21/2011	9:00 am	406	Judge James M. DeLeon	Continued
Trial	04/29/2011	9:00 am	406	Judge David C. Shuter	Scheduled
Bench Warrant Hearing	06/16/2011	12:00 pm	405		Scheduled
Trial	07/18/2011	10:00 am	503	Judge Wendy L. Pew	Cancelled
Trial	07/18/2011	10:00 am	503	Judge Wendy L. Pew	Scheduled
Status	08/31/2011	8:30 am	406	Senior Judge Felice Rowley Stack	Continued
Status	09/21/2011	8:30 am	406	Judge Marsha H. Neifield	Scheduled
Bench Warrant Hearing	09/26/2011	12:00 pm	888		Scheduled
Bench Warrant Hearing	09/28/2011	8:30 am	406	Judge Marsha H. Neifield	Scheduled
Status	10/19/2011	8:30 am	406	Judge Marsha H. Neifield	Continued
Status	11/23/2011	8:30 am	406	Judge Marsha H. Neifield	Scheduled
Status	01/25/2012	8:30 am	406	Judge Marsha H. Neifield	Continued
Status	04/25/2012	8:30 am	406	Judge Marsha H. Neifield	Continued
Status	05/23/2012	8:30 am	406	Judge Marsha H. Neifield	Scheduled
Trial	06/13/2012	10:00 am	503	Senior Judge Felice Rowley Stack	Continued
Trial	07/20/2012	10:00 am	503	Judge Joseph J. O'Neill	Continued
Trial	08/22/2012	10:00 am	503	Judge Gerard A. Kosinski	Scheduled
Motions Hearing	10/19/2012	9:00 am	504	Judge Paula A. Patrick	Continued
Motions Hearing	12/17/2012	9:00 am	504	Judge Paula A. Patrick	Scheduled
Trial	12/28/2012	10:00 am	503	Judge Thomas F. Gehret	Continued
Motions Hearing	01/17/2013	9:00 am	504	Judge Paula A. Patrick	Scheduled
Trial	01/18/2013	10:00 am	503	Judge Joyce O. Eubanks	Scheduled



FIVE STAR.  
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FIVE STAR.  
★★★★★

52



CITY OF PHILADELPHIA  
LAW DEPARTMENT  
15th Floor, One Parkway  
1515 Arch Street  
Philadelphia, PA 19102-1595

RETURN TO

*W. J. Ferguson*

JoAnn Fonzone, Esquire  
2242 Tilghman Square  
Allentown, PA 18104



1810434594 0050



IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN  
DISTRICT OF PENNSYLVANIA

JO ANN FONZONE AKA JUDY MC GRATH,  
PLAINTIFF

CIVIL ACTION LAW  
12-5726-LDD

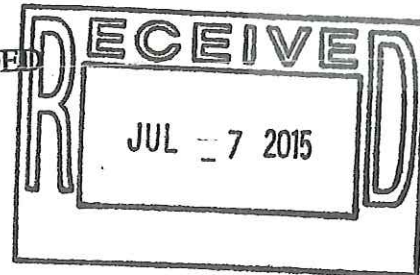
VS.

JOE OTERI, PHILLIES ORGANIZATION, OFFICER KEECHEWISCKY,  
OFFICER LESINETTE ORTIZ, OFFICER BEE, OFFICER KOVACS, JOHN Evans  
CITY OF PHILADELPHIA, RIVERSIDE PRISON, C.O FISHER, PHILA WARRANT  
UNIT, PHILA DEFENDER ASSOCIATES, RICHARD PATTON, ELIZABETH KOTCHIAN,  
DAVID AYERS, GREG ENGLE

DEFENDANTS

JURY TRIAL DEMANDED

AMENDED COMPLAINT



Introductory Statement

1. This is an amended complaint brought under 42 USC Sec. 1983 for violations of the Fourth Amendment to the U.S. Constitution. Plaintiff, a thin fifty two year old woman , attended a Phillies playoff baseball game at Citizens Bank Park ( the premises is owned by defendant Philadelphia) on October 6, 2010 where she was harrassed and assaulted then falsely implicated by a security guard whereupon she was later wrongly arrested, without probable cause , and while in police custody beaten , battered brutalized so severely that she was taken to the Emergency Room by police after transported to the 1<sup>st</sup> police district. The most serious injury Plaintiff suffered was blunt force chest trauma which caused a permanent heart condition . Criminal charges against Plaintiff were terminated in her favor August 22, 2012. Unbeknownst to Plaintiff at the time of filing this action, ADA Kotchian appealed the Judge's decision and neglected to provide Notice to Plaintiff. Months later , the Judge informed Plaintiff that his decision had been appealed. Plaintiff suffered severe physical and emotional damages as a result of the incidents of October 6, 2010 and as a result of the incidents of October 6, 2010 being unjustly treated as a criminal

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va



Commonwealth of Pennsylvania

vs.

Commonwealth of Pennsylvania  
County of Philadelphia

COURT OF COMMON PLEAS  
MUNICIPAL COURT  
CRIMINAL DIVISION

JoAnn Fonzone, ESQUIRE  
(Defendant)

Term, Yr. 2010No. 51-CR-43169**Subpoena**

(Not to be Used as a Subpoena Duces Tecum)

To: CHRIS THOMAS, Director RCF  
(Name of Witness)

8001 STATE RD, Philadelphia, PA 19136  
(Address)

You are Ordered by the Court to PRODUCE the BEACH WARRANT  
DE. SEPTEMBER 21, 2011 AND MAIL TO JOANN FONZONE, ESQ.  
at 8 o'clock P.M., in the  
at Philadelphia, Pennsylvania on  
matter of Commonwealth vs. Fonzone  
Disorderly Conduct  
Joann Fonzone Esq  
2242 W Tilghman St Apt C1  
Allentown, PA 18104-4392  
, charged with

**NOTICE**

This subpoena is issued pursuant to Pa. R. Crim. P. No. 9016. If you fail to attend, you may be subject to sanctions including but not limited to imprisonment and attorneys fees.

INQUIRIES CONCERNING THIS SUBPOENA SHOULD BE ADDRESSED TO:

JoAnn Fonzone, ESQUIRE  
(Name of Attorney)  
ADDRESS 2242 Tilghman St, Allentown, PA 18104  
E-MAIL ADDRESS  
TELEPHONE NO. 484-294-6481 FAX NO. \_\_\_\_\_

WITNESS the Honorable C. Darnell Jones, President Judge of the  
Court of Common Pleas, and / or Louis J. Fresenza, President Judge  
of the Municipal Court of Philadelphia, the \_\_\_\_\_ day \_\_\_\_\_,

By The Court:  
VIVIAN T. MILLER  
Clerk of Quarter Sessions

PRO VIVIAN T. MILLER  
(Clerk)

The subpoena must be signed and sealed by the Clerk of Quarter Sessions before service.



## RETURN OF SERVICE

On the 11/11 day of November, 20 11,  
I, Lana Fouzou, Esquire, served with the foregoing subpoena by  
(describe method of service):  
Certified US mail + fax  
+ regular

I verify that the statement in this return of service are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

11/11/11  
Date

John J. Esquire  
Signature

CHRIS THOMAS  
Name of Person Served



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## Victims Compensation Assistance Program Short Form

(For Official Use Only) Claim # \_\_\_\_\_

Please complete this entire section of the form. In order to process your claim, we must be able to contact you.

## Victim Information

☐ Male ☒ Female

Name Lo Ann Fortune aka Judy McGee Date of Birth 07/19/58 SS# 1688  
 Address 2242 Tilghman St City Allentown State PA Zip Code 18104  
 County Lehigh Safe Daytime Phone 481-294-6481 Other Safe Phone unlisted

## Claimant Information

If victim is the claimant, write "SAME." If someone other than victim is filing, complete the entire section.

Name Jane Date of Birth / / SS#   
 Address  City  State  Zip Code   
 County  Safe Daytime Phone  Other Safe Phone   
☐ Male ☐ Female Relationship to Victim

## Crime Information

Date of Crime 10/06/10 Date Reported to Police 10/06/10 or Date PFA filed 1/17/97 *permeant Order holding vicarious, abuser*  
 Was this a crime of domestic violence? yes ☒ no ☐ Did the crime involve a motor vehicle? yes ☒ no ☐  
 Did the crime occur at work? yes ☒ no ☐  
 Location of crime (street name and number) 1 Citizens Bank Way, Philadelphia, PA 19148  
 City Philadelphia State PA County Phila  
 Police Department Philadelphia Police Incident # 2010-42406  
 Person(s) who committed the crime Joe Otero  
 Briefly describe crime and injuries: security guard pulled rifle across, hit rifle across head into back of seat so I had 1 leg and anal. severe for hours later while in Emergency Room - bruises & contusions all swelling of right hand from shoulder

## Benefit: Medical/Counseling Expenses

Did you incur medical expenses? yes ☒ no ☐  
 Did you incur counseling expenses? yes ☒ no ☐  
 Provide itemized medical or counseling bills.  
 Do you have insurance to cover your medical/counseling expenses? yes ☒ no ☐  
 If yes, provide insurance benefit statements showing payment or rejection of payment for these bills.

## Benefit: Loss of Earnings

Did you miss work and lose pay? yes ☒ no ☐  
 Dates you missed work 10/06/10 to 1/1/11  
 Employer's name, address, and phone number:  
Self

Doctor's name, address, and phone number who can verify you missed work because of the crime:

Wayne Arnold, D.O. 610-667-2746  
Bala Cynwyd PA 19004  
Wendy Ruth - Dpimola, MD. 610-437-0739  
Allentown PA 18103

## Benefit: Funeral Expenses, Loss of Support

Did you incur funeral expenses? yes ☒ no ☐  
 Did you receive any monies due to the death? (Veteran's benefits, life insurance, Social Security) yes ☒ no ☐  
 Were you or others financially dependent on the deceased victim? yes ☒ no ☐  
 Provide copies of the itemized funeral bills/receipts, and statements of any benefits received.

## Benefit: Stolen Cash

Did you have money stolen from you? yes ☒ no ☐  
 Amount of money stolen \$   
 One of the following benefits must be your main source of income in order to file for stolen cash. Check all that apply.  
☐ Social Security Benefit ☐ Retirement/Pension(s)  
☐ Disability ☐ Court Ordered Child/Spousal Support  
 Provide a copy of your monthly benefit statement for the month and year of the crime.  
 Do you have homeowner's/renter's insurance? yes ☒ no ☐  
 If yes, provide a copy of your insurance declaration page.  
 Are you required to file IRS tax returns? yes ☒ no ☐  
 If yes, provide a copy of your most recent tax returns.



*I just recently learned the name of the perpetrator (security guard) that is why I couldn't file this sooner. I didn't know her name (security at time)*

# Victims Compensation Assistance Program Short Form

## Acknowledgement and Reimbursement Agreement

The Acknowledgement and Reimbursement Agreement must be signed before the claim verification process will begin.

My signature below signifies I understand each of the following statements or points of law:

The decision to approve my claim is that of the Program. I may object to all or part of the Program's decision in writing within 30 days from the date of the decision. I must prove the exact amount of my losses before the Program will consider awarding compensation from the Crime Victims Compensation Fund. I may file for reimbursement for additional expenses incurred relating to the crime. My claim may be denied if I do not cooperate fully with law enforcement agencies, the courts, and the Program or maintain a valid address with the Program. If I were to make a false claim, it would be a criminal offense punishable as a misdemeanor under Section 11.4303 of the Crime Victims Act. If I were to make a false statement in this claim form with the intent to mislead the Program, it would be a criminal offense punishable as a misdemeanor under 18 Pa. C.S. 4904.

I understand that the Crime Victims Compensation Fund is the payer of last resort. I specifically agree to inform the Program of and repay to the Commonwealth any funds that I may receive from any other source that has not already been considered, as a result of the crime and to the extent of the award. That is, I agree to repay any funds that I receive from the offender, any other person or source, which compensates me for the injury I suffered, including any award for pain and suffering. I further agree that if the claim is at any time determined to be in error, false or fraudulent, I will refund to the Program all sums of money paid by the Program.

Claimant's Signature

ESQUIRE

7/09/12  
Date

## Authorization to Obtain Information

This Authorization to Obtain Information must be signed before the claim verification process will begin.

I hereby authorize, in accordance with the privacy regulations under HIPAA (the Health Insurance Portability and Accountability Act, 42 USC 1320d et seq.) any hospital, physician, health care provider or other person who attended or examined (print name of victim) Lana Fonzani; any funeral director or other person who rendered related services; any employer of the victim or claimant; any police or governmental agency, including state or federal taxing authorities; any insurance company or other organization having relevant knowledge, to furnish to the Office of Victims Services, Victims Compensation Assistance Program, any and all information in their possession with respect to the crime that is the basis for this claim. Copies of this authorization may be used in place of the original.

Claimant's Signature

7/09/12  
Date

## Representation By Others

Are you represented in this matter by an attorney:

In filing this compensation claim?  
☒ yes ☐ no

In a civil lawsuit?  
☐ yes ☐ no

In an insurance action?  
☐ yes ☐ no

## Referral

Who referred you to the compensation program?  
☐ Police ☐ Victim Service Program

☒ Hospital  
☐ Other (Identify)

☐ Prosecutor

☐ Poster/Brochure

## Victim Service Program Information

For assistance in filing your claim, please call the agency listed here.  
If no agency is listed, please call (800) 233-2339 for assistance.

## Victim Statistical Information

The following information is used for statistical purposes only. This section is strictly voluntary.

Race:

☐ White ☐ Black ☐ Hispanic ☐ American Indian/Alaskan Native ☐ Asian/Pacific Islander ☐ Other

Country of Birth

Do you have a disability?

☐ yes ☐ no If yes, nature of disability ☐ Physical ☐ Mental ☐ Developmental Disability

Mailing Address:

P.O. Box 1167, Harrisburg, PA 17108-1167

Street Address:

3101 North Front St., Harrisburg, PA 17110

Phone and Fax Numbers: (800) 233-2339

(717) 783-5153

(717) 787-4306 (FAX)

Rev. 07/10

Website: www.pacrivevictims.org

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DEPARTMENT OF VETERANS AFFAIRS

Insurance Center

P. O. Box 42954

Philadelphia, PA 19101

07/30/2018

793700491

JOANNE FONZONE ESQ

APT 1C

2242 TILGHMAN STREET

ALLENTOWN PA 18104

In Reply Refer To:

V493779

V00493779

310/292A2LH

Dear Ms. FONZONE:

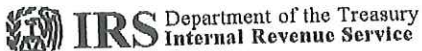
Per our conversation, enclosed is the receipt for Authorization of Payment for Mature Endowment on Carl W. Allio.

If you need to contact us, see below. If you write to us, please include your daytime phone number.

Sincerely yours,

*Lakia Harris-Pierce*

Policyholders Services Division



KANSAS CITY MO 64999-0025

In reply refer to: 0933665335  
 Sep. 22, 2021 LTR 96C 0  
 203-09-9959 202012 30  
 00002317  
 BODC: WI

ESTATE OF CARL W ALLIO  
 JOANN FONZONE, ESQUIRE  
 631 PRIMROSE LN  
 ALLENTOWN PA 18104

035743

Social Security number or  
 individual taxpayer ID number: 203-09-9959  
 Name of taxpayer: CARL W ALLIO  
 Form: 1040

Dear Joann Fonzone, Esquire:

Thank you for your correspondence which we received on Jan. 29, 2021.

There are no refunds that need to be claimed for Carl W Allio.

If you have questions, you can call 800-829-0922.

If you prefer, you can write to the address at the top of the first page of this letter.

When you write, include a copy of this letter, and provide your telephone number and the hours we can reach you in the spaces below.

Telephone number ( ) \_\_\_\_\_ Hours \_\_\_\_\_

Keep a copy of this letter for your records.

Thank you for your cooperation.

Sincerely yours,

Tonya Williams-Wallace  
 Operations Manager, AM OPs 1

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VICTIMS COMPENSATION ASSISTANCE PROGRAM  
P.O. BOX 1167  
HARRISBURG, PA 17108-1167

(800) 233-2339  
(717) 783-5153  
(717) 787-4306 FAX

January 26, 2011

717-265-8934  
Meg Stroder  
Lu Ann

JoAnn Fonzone  
2242 West Tilghman Street  
Apt. C1  
Allentown, PA 18104

Re: Claim No.: 201008610  
Victim: JoAnn Fonzone

Dear JoAnn Fonzone:

We are currently reviewing the above-referenced claim filed for compensation with our office pursuant to the Crime Victims Act.

However, before a decision can be reached, it will be necessary for you to provide the Program with the following information:

The Crime Victims Act, which governs our Program requires that we have a police report to verify that a crime did occur and that you were a victim. We are not doubting that you were a crime victim but the Philadelphia Police Department has informed our office they have no report on file regarding you as a victim in this incident.

Please obtain a copy of the report for this incident that verifies you as the victim so that we may continue reviewing your claim.

The Program will hold the claim until the requested information is received. Upon receipt of this information, we will continue processing your claim.

Please contact our office if you have any questions concerning this letter.

Sincerely yours,

*Stacie A. Brendlinger*

Stacie Brendlinger  
Victim Advocacy Specialist

Enclosure

cc:

3 police reports hidden by [unclear] which evidenced Fonzone was crime victim injured prior to arrest by Otter  
Exculpatory evidence showed Fonzone was innocent



### CONCLUSION

On (p. 162), "I appreciate opposing counsel's compassion for an injured crime victim who now has a serious heart condition as a result of being a crime victim. I can't work full time because of the injuries and damages I suffered."

Ms. Castor replied, (p.163)"The main problem is she was charged with a crime. you're charged as an offender, anybody can call 911, doesn't mean you're a crime victim. She was clearly arrested, she clearly went to the hospital, nothing shows that she was a victim of the crime."

I don't know if I'm more disheartened or saddened by this entire proceeding. Where there's an increasing epidemic of violence against women, we all sit here as women and you are all attacking the injured victim. I tried to get videotape from citizens bank park which would have shown that I was injured by the security guard Oteri and officer Kelewiski in the stadium. And I'm sure there were people with camera phones in the vicinity at seats and later standing in the concourse, but no one has come forward to help me corroborate the truth. There were no cameras in the jail cell of the stadium police room (where Kelewiski threw me against the wall twice then hit me with the nightstick,) just me and my cell phone. The only eyewitness of this proceeding is me. I provided true testimony under oath, but with or without an oath, I speak the truth. I am a crime victim and am being revictimized by telling the truth, presenting a 911 CD evidencing a victim's call for help, photos of bruises, medical reports, affidavits, standing up for myself and fighting for my rights because I dissent with the government in this case. What is the name and employer of the person that complained to security guard because I was standing and cheering? I'm being denied my 6<sup>th</sup> amendment right to this information. I am the crime victim, but the one being dragged through the system for the offense of disorderly conduct in retaliation because I was also the one who was seriously injured. They are wrong. I have a permanent irreparable cardiac condition from being beaten repeatedly with a police officer's nightstick on my chest because I called 911 for help. Why isn't anyone questioning officer Kelewiski? It is strange that his name does not appear on the police reports or court dockets when he was the arresting officer with officer Bee. This entire cover-up is not just appalling; I'm disgusted with the whole thing. I don't know how much longer we can claim to be the greatest country in the world when the government treats our injured crime victims as criminals, arrests, prosecutes and libel and slander us. Yet, they do not even thoroughly question, investigate, arrest and prosecute violent perpetrators of brutality, misconduct of law enforcement in a case like this where the victim suffered serious injuries from aggravated assault. When we the people of this great nation apathetically allow our government to treat its victims like criminals in order to protect an out of control violent police officer, then, how can we remain the greatest country in the world. We are a nation of equal justice under the law where no one is supposed to be above the law. The law must be applied and enforced equally and not selectively. This cover-up of the police and security guard brutality which VCAP has participated in, though its function and purpose is to help injured crime victims and have compassion for us certainly is not the legislative intent of this agency. VCAP should be wise and independent enough to acknowledge that sometimes innocent people are arrested and maliciously prosecuted when there is a motive for this. I'm disappointed; I tell the truth and am ignored. They keep telling lies to libel, slander and smear me, so I must keep telling the truth to refute, set the record right

For the aforementioned reasons, VCAP's decision to deny my claim should be reversed as I was an injured crime victim (and am eligible for VCAP benefits), on October 6, 2010, I reported the crimes of aggravated assault etc. within 72 hours as required by VCAP, and then I was wrongly charged with the crime of disorderly conduct. I was not intoxicated. Though there was a police report on file which lists me as a crime victim who was transported to the ER, this report was not disclosed to me or VCAP by the police until July 3, 2012.. VCAP now has the police report which shows I'm eligible

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IN THE MUNICIPAL COURT  
FOR THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CRIMINAL TRIAL DIVISION

- - -

COMMONWEALTH	:	
	:	
vs.	:	
	:	
JOANN FONZONE	:	MC# 0043169-2010

- - -

Monday, December 17, 2012

- - -

Courtroom 504  
Criminal Justice Center  
Philadelphia, Pennsylvania

- - -

BEFORE: THE HONORABLE PAULA PATRICK, J.

- - -

MOTION

- - -

1 APPEARANCES:

2

3 GREGORY ENGLE, ESQUIRE  
4 Assistant District Attorney  
5 Counsel for the Commonwealth

6 JOANN FONZONE  
7 Pro se Defendant

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## INDEX

## COMMONWEALTH'S EVIDENCE

WITNESS: DR CR RDR RCR

(None presented)

- - -

## EXHIBITS

NO.	DESCRIPTION	MARKED	ADMIT.
C-1	Notes of Testimony	4	-
C-2	Chart	4	-

- - -

## DEFENDANT'S EVIDENCE

WITNESS: DR CR RDR RCR

(None presented)

- - -

## EXHIBITS

NO.	DESCRIPTION	MARKED	ADMIT.
(None presented)			

- - -

1 THE CRIER: Going back to No. 57, Your  
2 Honor, Joann Fonzone.

3 Miss Fonzone, step up.

4 DA appeal, Your Honor, No. 57, Joann  
5 Fonzone.

6 THE COURT: Commonwealth, do you have  
7 the notes?

8 MR. ENGLE: I do, Your Honor.

9 THE COURT: Mark the notes as C-1.

10 - - -

11 (Notes of Testimony marked Commonwealth  
12 Exhibit C-1 for identification.)

13 - - -

14 MR. ENGLE: I also have what I'd like  
15 to mark as C-2, which is a demonstrative chart.

16 THE COURT: In reference to the times?

17 MR. ENGLE: Yes, Your Honor.

18 - - -

19 (Chart marked Commonwealth Exhibit C-2  
20 for identification.)

21 - - -

22 THE COURT: Okay.

23 MS. FONZONE: Your Honor, if I may, I  
24 have not been served at all since the summer. I  
25 was unaware that they even appealed this case.

*appealed Sept 21, 2012*

1 As far as I was concerned, I got this case  
2 dismissed August 22nd from Judge Kosinski.

3 THE COURT: Well, they re-filed. They  
4 can do that.

5 MS. FONZONE: Don't they have to serve  
6 me, Your Honor?

7 THE COURT: They do, but you're here.

8 MS. FONZONE: Because I tried to file  
9 expungement papers, and that's when I became  
10 aware of it.

11 THE COURT: Okay.

12 MS. FONZONE: Also, on August 22nd I  
13 requested dismissal with prejudice, and I think  
14 the clerk made an error by not putting the words  
15 "with prejudice" on the disposition form.

16 THE COURT: It doesn't matter; it's  
17 still with prejudice. The fact is that they can  
18 appeal it because I'm higher than the MC Court.

19 MS. FONZONE: Right. But I still don't  
20 know what basis. I've seen no alleged risks or  
21 writs any motions.

22 THE COURT: We'll see.

23 Okay. On what basis are you appealing?

24 MR. ENGLE: Because, Your Honor, Judge  
25 Kosinski on August 22nd granted a 1013 motion to

No, it was  
dismissed  
with  
prejudice.

NO  
writs

1 dismiss in error.

2 I'll draw the Court's attention to C-2,  
3 the demonstrative exhibit that I've created. The  
4 blue highlighted dates of 12/22/10, 11/23/11, and  
5 6/13/12 were all charged to the Commonwealth.

6 And it's our argument that those were in error. false

7 The actual count of days at the time should be  
8 76. Judge Kosinski ruled it was in the realm of  
9 230.

10 12/22/10 the defendant was not present.

11 Judge Kosinski saw a notation on the Quarter  
12 Sessions File that discovery was incomplete.

13 However, there was evidence that complete  
14 discovery was passed to the Defender Association  
15 in 404 and then new counsel had been retained at  
16 that time.

17 The mere fact that the defendant was  
18 not present alone should be enough for those 23  
19 days to be excluded. Under Rule 1013 and 600,  
20 the nonpresence of a defendant is excludable  
21 time.

22 THE COURT: Okay. Well, you can't hold  
23 the fact that she was incompetent.

24 MR. ENGLE: She was competent at the  
25 time, Your Honor.

NO IT  
WASN'T

I was not served  
with Notice that  
dismissal was applied.



1 THE COURT: No, no. I'm saying from  
2 11/23/2011 she was incompetent.

3 MR. ENGLE: Yes, Your Honor.

4 MS. FONZONE: And if I may, Your Honor?

5 THE COURT: No, wait a minute.

6 MS. FONZONE: Okay. I want to object  
7 to all of this.

8 THE COURT: So she was not competent  
9 during the time of 11/23 --

10 MR. ENGLE: Yes.

11 THE COURT: -- where you highlighted  
12 that.

13 MR. ENGLE: Yes, Your Honor. And Judge  
14 Kosinski ruled those 63 days were chargeable to  
15 the Commonwealth.

16 THE COURT: Right. They're not  
17 chargeable to her.

18 Okay. And then you have on 6/13/2012  
19 chargeable to her.

20 MR. ENGLE: Yes, Your Honor.

21 THE COURT: Okay.

22 MR. ENGLE: Because these three dates  
23 should not have been charged to the  
24 Commonwealth --

25 THE COURT: No, no, no. 11/23/2011

*I was  
present  
with  
Judge  
Stock,*

1 should have been charged to the Commonwealth; she  
2 was incompetent during that time.

3 Do you understand what I'm saying?

4 MR. ENGLE: I do, Your Honor.

5 THE COURT: So from 12/22/2010 up until  
6 7/18 should be chargeable to the defense. How  
7 many days is that? 211

8 So from 12/22/2010 to 7/18/2011 should  
9 be chargeable to the defense, because at that  
10 point she was determined to be incompetent. So  
11 therefore anything thereafter is not going to be  
12 chargeable to her.

13 So from the dates of 12/22/2010 when  
14 the defendant FTA'd and there was finally a bench  
15 warrant issued, that time is chargeable to the  
16 defendant. On the days where she was incompetent  
17 from 11/23/2011 until 5/23/12, that's  
18 Commonwealth time; that's not defense time. 183

19 MR. ENGLE: Respectfully, Your Honor,  
20 those were status listings; they weren't trial  
21 listings.

22 THE COURT: No, no, I understand. But  
23 she's not responsible. They were status listings  
24 because of her incompetence. That's why.

25 MR. ENGLE: However, there was no delay

from 7/18/11  
8/31/11  
9/28/11  
10/19/11  
11/23/11

121 days

310 days

1 on behalf of the Commonwealth to bring the case  
2 to trial.

3 THE COURT: Well, you can't bring a  
4 defendant to trial if they're not competent.

5 MR. ENGLE: Yes, Your Honor. And,  
6 therefore, I'm arguing that that time should have  
7 been excluded or the time should have been  
8 extendable and should not have counted under Rule  
9 1013.

10 THE COURT: Okay. But it's not  
11 chargeable to her is all I'm telling you.

12 MR. ENGLE: I understand that.

13 THE COURT: Okay. And then you have  
14 6/13/2012 until 8/22/2012 all should be defense  
15 time.

16 Okay. Go ahead, ma'am.

17 MS. FONZONE: Yeah, I'd like to object  
18 to everything he just said.

19 I have never been incompetent. I was  
20 diagnosed with post-traumatic stress disorder.  
21 Then the Commonwealth played some games and  
22 misrepresented to the previous judges that they  
23 didn't have the paperwork.

24 I went to JFK Mental Health Clinic and  
25 was diagnosed with post-traumatic stress

NO  
6/13 - the new  
7/20 - the new  
N.Y.

1 disorder. My attorneys at the time did give  
2 previous ADAs all the paperwork saying that I was  
3 competent to proceed and I was diagnosed with  
4 post-traumatic stress disorder.

5 I was, however, being the victim of  
6 serious injuries and crime like aggravated  
7 assault, hospitalized three times for those  
8 physical injuries. I was in the hospital March  
9 of 2011; therefore, I was unavailable.

10 On April 29th I did notify the attorney  
11 at the time, the Public Defender, of that fact.  
12 They failed to tell the judge that I was  
13 recovering from serious physical injuries. And  
14 then a bench warrant was issued, which they never  
15 told me about until June 16th. And I came to  
16 court to get the bench warrant lifted, and I  
17 brought my hospital records to the Bench Warrant  
18 Unit in the basement.

19 On 11/23/11, contrary to what the ADA  
20 just mentioned, I did have the paperwork from JFK  
21 Medical Center.

22 THE COURT: Listen, I didn't charge any  
23 of that time to you.

24 MS. FONZONE: Okay. On June 13th my  
25 attorney was supposed to get the case dismissed.



1 He neglected to mention that, and then he had to  
2 leave.

3 So I, in the interest of trying to  
4 expedite this case, asked Judge Stack if I could  
5 represent myself. And after a colloquy with ADA  
6 Kotchian and myself the judge said I was very  
7 capable and competent to proceed, but the  
8 Commonwealth did not have their witnesses. So  
9 then Judge Stack said next time this definitely  
10 has to be tried.

11 The next time was July 20th, and Judge  
12 O'Neill would not make a ruling at all. So he  
13 continued it until August 22nd, where Judge  
14 Kosinski correctly calculated the days at 257 or  
15 237 days, way beyond the 180-day speedy trial  
16 right.

17 I also have yet to receive all of the  
18 discovery which I requested about two years ago  
19 from the Commonwealth, specifically fingerprints,  
20 because at the time my hand was about ten times  
21 the size and it caused me great pain when the  
22 police fingerprinted me. My hand must look like  
23 the Incredible Hulk.

24 THE COURT: Fingerprints don't change.

25 MS. FONZONE: So that's bad faith on

*June  
131  
2012*

1        the part of the Commonwealth.

2                    THE COURT: Okay. I understand.

3                    The appeal is granted. So we need a

4        date.

5                    All right. Have a seat, ma'am.

6                    MS. FONZONE: One last thing, Your  
7        Honor, if I may.

8                    THE COURT: Have a seat.

9                    MS. FONZONE: Right. Sure.

10                   (Pause.)

11                   THE CRIER: Your Honor, going back to  
12        Case No. 57, that date is going to be 12/31 in  
13        Room 1003 at 10 o'clock.

14                   THE COURT: Okay. Thank you.

15                   (Whereupon, proceedings concluded.)

16                   - - -

## 1 CERTIFICATION

2  
3  
4 I hereby certify that the proceedings  
5 and evidence are contained fully and accurately in the  
6 stenographic notes taken by me upon the foregoing  
7 matter on Monday, December 17, 2012, and that this is a  
8 correct transcript of same.  
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16 KRISTINE A. VARGAS  
Registered Professional Reporter  
17

18  
19 (The foregoing certification of this  
20 transcript does not apply to any reproduction of the  
21 same by any means, unless under the direct control  
22 and/or supervision of the certifying reporter.)  
23  
24